

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

# UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

Civil Division

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Peter Paul Urban

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Pennsylvania Department of Correction

Andrew W. Smith/Corrections Officer

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED  
SCRANTON

APR 16 2020

PER \_\_\_\_\_

DEPUTY CLERK

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Page 2 of 11

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## Defendant No. 3

Name

NONE

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

## Defendant No. 4

Name

NONE

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

8th Amendment, Cruel and Unusual Punishment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Defendants Named are State Correctional Employees

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### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_
- 

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. (See Attached)

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.
- N/A
- 

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.
- The event occurred while on AB Block, in Cell 30, on November 11, 2019
-

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

Peter Paul Urban  
Plaintiff

Civil action No.

v.

Andrew W. Smith  
Corrections Officer  
Defendant

**SUMMONS**

To Andrew W. Smith:

A lawsuit has been filed against you. Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint, or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on plaintiff. Peter Paul Urban, whose address is, Smart Communications/PADOC, Peter Paul Urban/GS-8293, S.C.I. Mahanoy, P.O. Box 33028, ST. Petersburg, FL 33733.

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You must file your answer or motion with the court.

Date

3/29/20

Peter Urban

Peter Paul Urban/GS-8293  
301 Morea Road  
Frackville, PA 17932-0001

SMART COMMUNICATIONS/PADOC

SCI. MAHANOY.

MR. PETER URBAN

GS 8293 / EA 16

PO BOX 33028

ST. PETERSBURG FL 33733

PER

DEPUTY CLERK

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APR 16 2020

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PA DEPT OF CORRECTIONS



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Office of the Clerk  
United States District Court, Middle District  
William J. Neeson Federal Building  
235 W. Washington Ave. Box 1148  
Scranton PA 18501-1148

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